



27 MAY 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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YOUNG & THOMPSON  
745 SOUTH 23RD STREET  
2ND FLOOR  
ARLINGTON, VA 22202

In re Application of	:	
ROSS, Paul et al.	:	
Application No.: 10/576,010	:	DECISION
PCT No.: PCT/IE2004/000143	:	
Int. Filing Date: 15 October 2004	:	ON PETITION UNDER
Priority Date: 17 October 2003	:	
Docket No.: 9008-1004	:	37 CFR 1.47(a)
For: USE OF PROBIOTIC BACTERIA IN	:	
THE TREATMENT OF INFECTION	:	

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 20 March 2008.

**BACKGROUND**

On 22 October 2007, the Office mailed Decision On Petition Under 37 CFR 1.47(a), dismissing applicant's petition without prejudice.

On 20 March 2008, applicants filed this renewed petition under 37 CFR 1.47(a), accompanied by the fee for a 3 month extension of time.

**DISCUSSION**

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1) and (4) were previously satisfied. Items (2) and (3) have now been satisfied. The letter from Mr. Paul Brady indicates that the application package and declaration sent to Mr. Hallahan's employer was forwarded to Mr. Hallahan. Applicants state the last known residential mailing address of Stephen Hallahan as Cois Abhann, Calbridge, County Kildare, Ireland.

**CONCLUSION**

For the above reasons, applicant's petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official

Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including accordation of a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of **06 August 2007**.

/Erin P. Thomson/

Erin P. Thomson  
Attorney Advisor  
PCT Legal Administration

Telephone: 571-272-3292  
Facsimile: 571-273-0459

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Stephen Hallahan  
Cois Abhann,  
Calbridge, County Kildare  
Ireland

In re Application of  
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Application No.: 10/576,010  
PCT No.: PCT/IE2004/000143  
Int. Filing Date: 15 October 2004  
Priority Date: 17 October 2003  
Docket No.: 9008-1004  
For: USE OF PROBIOTIC BACTERIA IN THE TREATMENT OF INFECTION

Dear Mr. Hallahan:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Erin P. Thomson/

Erin P. Thomson  
Attorney Advisor  
PCT Legal Administration

Telephone: 571-272-3292  
Facsimile: 571-273-0459

YOUNG & THOMPSON  
745 SOUTH 23RD STREET  
2ND FLOOR  
ARLINGTON, VA 22202

cc: Stephen Hallahan  
c/o Cross VetPharm Group Ltd.  
Broomhill Road  
Tallaght  
Dublin 24  
Ireland